

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JASON NISSEN,

Defendant.

17-CR-477 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received a letter on behalf of non-parties Entrepreneur Growth Capital, LLC, and Credit Cash, LLC, with respect to, and seeking, the forfeiture of certain real property owned by defendant Jason Nissen and his wife, Haydee Nissen (Dkt. No. 113). The letter was filed by the law firm of WilmerHale, at which I was previously affiliated.

My unitary practice since taking the bench has been not to preside over matters in which WilmerHale appears. Accordingly, if the non-parties' application were to remain in place, I would be forced to consider recusing from this important matter, over which I have presided since its inception and over which I have deep familiarity. I have recently issued orders denying Mr. Nissen's applications for compassionate release. And I will eventually be responsible for assuring Mr. Nissen's compliance with his conditions of supervised release. It would disserve the interest of justice for this matter to be reassigned to a successor judge.

In order to avoid this regrettable and easily avoided consequence, the Court **DENIES**, without prejudice, the application filed on the non-parties' behalf by WilmerHale. I would be pleased to consider a similar such application if filed by a law firm whose participation would not potentially force my recusal.

The Clerk of Court is requested to terminate the motion at Dkt. No. 113.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: October 23, 2020
New York, New York